

# JENNER & BLOCK

November 6, 2002

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Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

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Re: *Ex Parte* Presentation  
In the Matter of Petition for Declaratory Ruling,  
of WorldCom, Inc. for a ruling that ILECs are  
Prohibited from Imposing Use Restrictions  
on UNEs such as LIDB  
CC Docket No. 01-338

Dear Ms. Dortch:

On November 5, 2002, Lisa Youngers, Hank Hultquist, Michael Lehmkuhl of WorldCom, Inc. and Marc Goldman of Jenner & Block met with Jeremy Miller and Julie Veach to discuss WorldCom's Petition for Declaratory Ruling that has been docketed in the above-captioned proceeding. In the meeting, WorldCom explained that under existing Commission rules it is entitled to access to LIDB as a UNE for use in providing interexchange service. No use restriction has been imposed on LIDB. WorldCom further explained that the recent *CompTel* decision does not lead to a different conclusion. *CompTel* does not require a service specific analysis. Moreover, the Commission's prior impairment analysis for LIDB is just as applicable to interexchange service as it is to local service. Carriers cannot duplicate LIDB and therefore are impaired without it. The ability of carriers to access LIDB at tariffed rates is irrelevant to the impairment analysis.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

Marc A. Goldman //s

cc: Jeremy Miller  
Julie Veach